

November 27,  
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*To Lawrence F. Abbott, The Outlook, New York.*

"I have been much amused by the decision of the State Court of Appeals in the recount bill. This was purely a personal measure of Governor Hughes'. While I did not think it the wise way to get at what he sought, and while both Root and I had advised against it, still I sympathized so thoroughly with his purpose that I hoped the bill would be declared constitutional. Root had said all along that it could not be so declared. Think of the yell that would have gone up from the capitalist press of New York City if any similar measure of mine had been declared unconstitutional by the Supreme Court of the Nation!

"As you say, it is rather curious to realize that there are good men who actually do believe that I have been violating the law and the Constitution. They are usually somewhat puzzle-headed, as I found in talking to one of the most eminent bankers in New York the other day, who spoke of my \* illegal actions<sup>7</sup> not exactly with severity but with sorrow. I questioned him as to the illegal action in question, and found that what he meant was that I had been carrying on suits against Harriman and the Standard Oil Company ! Mind you, this man was not an exception. When the *Sim*, the *Times*, the *Evening Post*, *Harper's Weekly*, the New York *Herald*, the New York *World*, and company, denounce me as doing something unconstitutional, they mean that I have succeeded in getting through laws which have been declared by the Supreme Court to

bo constitutional, and when they denounce my ' illegal  
actions<sup>1</sup> they usually refer to a lawsuit which has been  
begun by the Department of Justice.

"I enclose you a most striking decision  
which has just been rendered by the United States Circuit  
Court of Appeals for the Eighth Circuit. You will see that  
this decision takes exactly the view which I have taken  
about the power of the Government under the interstate  
commerce act, and it even goes a little further than what I have  
said went, although not further than I implied. This  
again makes